

Background Information

H.R. 249: To Restore the Prohibition on the Commercial Sale and Slaughter of Wild Free-Roaming Horses and Burros (Rep. Nick Rahall, D-WV)

H.R. 249 repeals a rider contained in the FY 2005 Consolidated Appropriations Act that provided for the commercial sale and slaughter of wild free-roaming horses and burros. The legislation thus restores the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros that, up until December 2004, had been in existence since 1971.

In 1971 Congress passed the Wild Free-Roaming Horse and Burro Act (PL 92-195). That law established as national policy “that wild free-roaming horses and burros shall be protected from capture, branding, harassment, and death; and to accomplish this they are considered in the area where presently found, as an integral part of the natural system of the public lands.” The law also directed that “no wild free-roaming horse or burros or its remains may be sold or transferred for consideration for processing into commercial products.”

The 1971 Act directed the Bureau of Land Management (BLM) and the Forest Service to enforce the law on public lands. Unfortunately, these agencies, especially the BLM, have not lived up to the task. Reports of the Government Accountability Office and the Inspector General, as well as newspaper exposés, have outlined numerous instances in which the BLM has failed to properly manage these animals. As recently as the late 1990's it was found that, because of BLM's lax enforcement, hundreds of these animals had ended up at commercial slaughtering plants.

In addition to the agency's lax oversight of adoptions of these animals, much of their problems stem from the fact that the agency annually rounds up more animals than can be adopted in a single year. As a result, the BLM currently has approximately 31,000 wild horses and burros in holding facilities where their care and feeding use up nearly half of the agency's budget for wild horse and burro management.

While “excess” wild horses and burros have been cited as the reason for the recent changes in law, it is important to note that there are significantly fewer wild horses and burros on the public lands today than there were 25 years ago. In 1980 there were approximately 62,638 wild horses and burros on public lands. By February 2007, this number had dropped to approximately 28,500. Yet, the BLM continues to round up many more animals each year than can be adopted, adding to a growing number being placed in holding facilities.

The rider to the FY 2005 Consolidated Appropriations Act was inserted without the benefit of any hearings or public notice. Known as the “Burns’ rider” for its sponsor, former Senator Conrad Burns, the rider directs that wild horses and burros more than ten years of age or that had been unsuccessfully offered for adoption three times must be sold without limitation. The rider also eliminated the provision in law that had prohibited the sale or transfer of wild horses and burros or their remains for processing into commercial products. Despite efforts to minimize the impact of these changes in law, more than 50 wild horses have been slaughtered as a result of the Burn's rider.

Humane alternatives to slaughter exist and federal agencies have the authority to carry out such humane actions as adoption, sterilization, relocation, and placement with qualified individuals and organizations.

As part of the FY 2006 Interior Appropriations bill, the House, by a vote of 249-159, adopted the Rahall amendment that prohibited the use of funds for the sale or slaughter of wild free-roaming horses and burros. The House again adopted this same amendment as part of the FY 2007 Interior Appropriations bill by voice vote.

H.R. 249 was introduced by Rep. Nick J. Rahall, II on January 5, 2007. The bill was ordered favorably reported by the Committee on Natural Resources on March 7, 2007 by voice vote.